

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LESHA HARRIS-JONES,

Plaintiff,

v.

ANTONIO ERNESTO ACOSTA LIMAS,
GOD DESTINATION, LLC,

Defendant,

Case No.:

Hon.

Mag.

MARC J. MENDELSON (P52798)
ERIC J. SIMPSON (P57232)
JOSHUA B. FARR (P74107)
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**NOTICE OF REMOVAL OF CAUSE TO THE UNITED STATES
DISTRICT COURT, EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TO: Marc J. Mendelson (P52798)
Eric J. Simpson (P57232)
Joshua B. Farr (P74107)
Attorneys for Plaintiff

NOW COME the Defendants, ANTONIO ERNESTO ACOSTA LIMAS and GOD DESTINATION, LLC, by and through their attorneys, Garan Lucow Miller, P.C. and in support of this Notice of Removal of Cause to the United States District Court for the Eastern District of Michigan, Southern Division, state as follows:

1. On January 18, 2022, Plaintiff, Lesha Harris-Jones, commenced a cause of action in the Circuit Court for the County of Wayne, State of Michigan, by filing Plaintiff's Summons and Complaint against the named Defendants Antonio Ernesto Acosta Limas ("Limas"), God Destination, LLC ("God Destination"), and Progressive Marathon Insurance Company ("Progressive")(Plaintiff's Complaint - **Exhibit A.**)

2. Plaintiff acquired service of process on the Defendants, Limas and God Destination, and these Defendants filed their Answer to Plaintiff's Complaint on February 3, 2022. (Defendant Limas and God Destination's Answer to Plaintiff's Complaint, Notice of Affirmative Defenses and Notice of Non-Parties at Fault Pursuant to MCR 2.112(K) and Jury Reliance – **Exhibit B.**)

3. On February 15, 2022, Defendant Progressive answered Plaintiff's Complaint. (See Defendant Progressive's Answer to Plaintiff's

Complaint, Notice of Affirmative Defenses and Reliance on Jury Demand - **Exhibit C**).

4. Defendant Progressive is a Michigan corporation with its principal place of business within the City of Livonia, County of Wayne, State of Michigan. (See Corporate Notice, of Progressive – **Exhibit D**).

5. That on March 14, 2022, the Circuit Court for the County of Wayne entered an Order of Dismissal dismissing Progressive Marathon Insurance Company including Counts IV and V as directed against Defendant Progressive pursuant to a stipulation of the parties. (See **Exhibit E**).

6. Pursuant to 28 USC §1446(b)(3) this case as of March 14, 2022, has now become removable through the service an Order Dismissing the non-diverse Defendant, Progressive, from this action. (**See Exhibits D & E**).

7. That this action is a suit at common law of a civil nature and the amount involved, inclusive of interest and costs, and upon information and belief, is based upon representations of the Plaintiff, that Lesha Harris-Jones' injuries and damages claimed by the Plaintiff against the Defendants to be in excess of the sum of \$75,000 and are otherwise within the jurisdiction of this Court pursuant to 28 USC §1332(a). (**See Exhibit A**).

8. That Plaintiff alleges damages as a result of a motor vehicle accident between the Plaintiff and Defendants Limas and God Destination occurring on April 13, 2021, wherein it is described in Plaintiff's Complaint that her damages as set forth as follows:

11. That as a result of said collision, Plaintiff, Lesha Harris-Jones, did suffer, and will continue to experience for an indefinite time into the future, severe and excruciating pain and suffering, humiliation and embarrassment, loss of earnings, and loss of her natural enjoyments of life, due to her injuries which include but are not limited to: *traumatic injuries to her head including a concussion, and traumatic injuries to her neck, back, right shoulder, left arm, left leg, right hand and right thumb, among others*, all of which constitute a serious impairment of body function and/or serious, permanent disfigurement. Plaintiff suffered a serious impairment of body function. Plaintiff's impairment is objectively manifested, is an impairment of an important body function; and it affects Plaintiff's general ability to lead her normal life.

13. Plaintiff's damages include excess economic loss damages, including wage loss or actual future loss of earnings to the extent that such losses are recoverable in excess of the no-fault statutory monthly and yearly maximums, pursuant to MCL 500.3135(3)(c). Plaintiff also claims excess medical expenses above and beyond personal injury protection (PIP) medical benefits applicable to Plaintiff for the subject accident. (**Exhibit A**)

9. Therefore, based upon the foregoing allegations of damages as contained in Plaintiff's Complaint against the Defendants Limas and God Destination (**Exhibit A**), Plaintiff's claims for damages are in excess of the sum of \$75,000.00 or is otherwise within the jurisdiction of this Court pursuant to 28 USC§1332(a).

10. Defendants, Limas and God Destination, LLC show this Honorable Court that this action involves a controversy between a citizen of the State of Michigan and citizens of the State of Texas, stating as follows:

- a. Plaintiff, Lesha Harris-Jones, at the time of the commencement of this action was, and now is, a citizen of the City of Detroit, County of Wayne, State of Michigan (**Exhibit A**, paragraph 1 of Plaintiff's Complaint).
- b. Defendant, Antonio Ernesto Acosta Limas, at the time of the commencement of this action, was, and now is a citizen of the State of Texas and by virtue of said citizenship is not a citizen of the State of Michigan.
- c. Defendant, God Destination, LLC, at the time of the commencement of this action was a limited liability corporation incorporated under the laws of the State of Texas, and by virtue of said incorporation was, and is, a citizen of the State of Texas, and is not a citizen of the State of Michigan by virtue of its State of Incorporation. (**Exhibit F**).
- d. That Defendant, God Destination, LLC, at the time of the commencement of this action, was, and now has its principal place of business located in Abilene, Texas, and therefore is a citizen of the State of Texas pursuant to its principal place of business, and is not a citizen of the State of Michigan by virtue of its principal place of business. (**Exhibit F**).
- e. That God Destination, LLC is a Limited Liability Corporation owned and operated by the Defendant, Antonio Ernesto Acosta Limas, who is the sole owner of God Destination, LLC, who is a resident of the City of Abilene, State of Texas, and by virtue of the Limited

Liability Corporation ownership, is not a citizen of the State of Michigan. (See **Exhibit F**).

11. That based upon the foregoing, the Defendants to this action state that there is diversity of citizenship pursuant to 28 USC §1332(a), and that the amount in controversy that has been asserted by Plaintiff in Plaintiff's Complaint represent claims in excess of \$75,000.00 and is otherwise within the jurisdiction of this Court pursuant to 28 USC §1332(a).

12. Therefore, this entire Removal is hereby filed as required by 28 USC §1446(b)(3) as having been filed with this Court within 30 days of when an Order was entered dismissing the non-diverse Defendant on March 14, 2022, and making this case one that has become removable as of March 14, 2022, and 28 USC §1446(c)(1), as this Removal having been filed within less than one year after the commencement of this action on January 18, 2022, and therefore has been timely removed to this Court. (See **Exhibits A, B, C, and D**).

13. That written notice of the filing of this Removal has been given to all adverse parties as required by law and a copy of the Notice of Removal has been filed with the Clerk of the Court for the County of Wayne, State of Michigan.

14. That a copy of all process and pleadings that were served in this matter are hereby attached as follows:

- Exhibit A** Plaintiff's Complaint;
- Exhibit B** Defendants Limas and God Destination Answer to Plaintiff's Complaint, Notice of Affirmative and Special Defenses and Notice of Non-Parties at Fault Pursuant to MCR 112(K) and Jury Reliance;
- Exhibit C** Progressive Answer to Plaintiff's Complaint, Notice of Affirmative Defenses and Jury Reliance;
- Exhibit E** March 14, 2022, Stipulated Order of Dismissal Without Prejudice;
- Exhibit G** Plaintiff's Denial of and Demand for Specific Recitation of Fact Constituting Each and Every Affirmative Defense Set Forth by Defendants Antonio Ernesto Acosta Limas and God Destination, LLC;
- Exhibit H** Plaintiff's Denial of and Demand for Specific Recitation of Fact Constituting Each and Every Affirmative Defense Set Forth by Defendant Progressive Marathon Insurance Company;
- Exhibit I** Defendant Antonio Ernesto Acosta Limas and God Destination, LLC's Objections to Plaintiff's Demand for Specific Recitation of Fact Constituting Each and Every Affirmative Defense Set Forth by Defendants Antonio Ernesto Acosta Limas and God Destination, LLC;
- Exhibit J** Plaintiff's Initial Disclosures;
- Exhibit K** Defendants' MCR 2.302(A)(1) Initial Disclosures on Behalf of Antonio Ernesto Acosta Limas and God Destination, LLC;
- Exhibit L** Qualified Protective Order and Authorization Pursuant to Health Insurance Portability Act (HIPAA) as entered by Court on February 25, 2022;

WHEREFORE, your Defendants, ANTONIO ERNESTO ACOSTA LIMAS and GOD DESTINATION, LLC, respectfully pray that this Honorable Court enter its Order removing this cause from the Circuit Court for the County of Wayne, State of Michigan to the United States District Court for the Eastern District of Michigan, Southern Division.

Date: March 16, 2022

s/Mark Shreve
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CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2022, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

and I hereby certify that I have mailed by United States Postal Service the paper to the following:

Marc J. Mendelson
Eric J. Simpson
Joshua B. Farr
Mike Morse Law Firm
24901 Northwestern Highway, Suite 700
Southfield, MI 48075-1816

Date: March 16, 2022

#5087990

s/Mark Shreve
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